

ORIGINAL



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**MEMORANDUM  
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TO: Docket Control Center

2007 DEC -7 P 3:10

FROM: Ernest G. Johnson  
Director  
Utilities Division

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

**DOCKETED**

DEC -7 2007

DATE: December 7, 2007

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RE: WEST END WATER COMPANY - REQUEST FOR EXTENSION OF  
COMPLIANCE DEADLINE (DOCKET NO. W-01157A-05-0706)

In Decision No. 69672, dated June 28, 2007, the Arizona Corporation Commission ("A.C.C." or "Commission") approved the application of West End Water Company ("West End Water" or "Company") for an extension of its Certificate of Convenience and Necessity.

As part of Decision No. 69672, the Commission ordered the following:

"that the Company file, by December 31, 2007, with the Commission's Docket Control, as a compliance item in this docket, a copy of the developer's Certificate of Assured Water Supply, where applicable or when required by Statute."

"that the Company file, by December 31, 2007, with the Commission's Docket Control, as a compliance item in this docket, a copy of the Maricopa County Environmental Services Department Approval to Construct ("ATC") for the new wells and storage tank."

On November 16, 2007, West End Water re-docketed a request for extension of time (attached) which had been mistakenly docketed under Docket No. W-01157A-06-0250 instead of the instant docket outlined above. In the application the Company requested an extension of time until July 31, 2008, to comply with the compliance items outlined above. By way of explanation, the Company stated that the anticipated timeline of the case was changed due to intervener issues which caused a suspension of the time clock, holding of a supplemental hearing, extensive briefing by the parties and a continuance on the issue from the April 11, 2007 Open Meeting to the June 27, 2007 Open Meeting. In summary, the Company was required to comply with these items within a 6 month period of time, this period being from the decision date of June 28, 2007, to the Commission ordered due dates of December 31, 2007. Based on this and the nature of the certificates sought, the Company states that the requested extensions, to July 31, 2008, are appropriate.

A general review of e-docket case filings in this case supports the Company position that it was a contentious case that may have required delay prior to finalization. A check with Staff indicated that the points outlined by the application about delays were in fact experienced during the case. Further, Staff has received a letter from the developer, Woodside Homes of Arizona,

Inc., outlining the continuing development of the project and reiterating their need for service. Finally, the application also includes a letter from Ms. Susan Hazelett, P.E. stating that the Certificate of Assured Water Supply ("CAWS") application was submitted to the Arizona Department of Water Resources ("ADWR") on September 21, 2007. The Company is correct in its statement that ADWR has a 210 day administrative review period associated with such applications. The December 31, 2007 due date is therefore not likely to provide enough time for the Company to comply with the CAWS requirement. Staff does not object to the Company request for additional time until July 31, 2008 to provide the CAWS filing.

The application states that after discussions with the Maricopa County Environmental Services Department ("MCESD"), the Company cannot be certain that the ATC's will be issued in time to meet the Commission's December 31, 2007 deadline. The Company believes that extending the ATC deadline to be consistent with the proposed July 31, 2008 CAWS deadline is prudent. Although the CAWS and the ATC are not specifically linked, Staff notes that the Commission originally ordered that the CAWS and the ATC filings be provided at the same time – December 31, 2007. In order to synchronize the due dates, as previously ordered by the Commission, Staff does not object to the Company request for a July 31, 2008 deadline for the ATC filing.

#### Staff Recommendation

Based on the application and all of the above, Staff does not object to the Company requests for extension of the CAWS and ATC requirements until July 31, 2008.

EGJ:BKB:lhbm

Originator: Brian K. Bozzo

Attachment

SERVICE LIST FOR: WEST END WATER COMPANY  
DOCKET NO. W-01157A-05-0706

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Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Mr. Ernest G. Johnson  
Director, Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Ms. Lyn Farmer  
Chief Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

**ORIGINAL**  
**WEST END WATER CO.**

9098 W. Pinnacle Peak Road  
Peoria, Arizona 85383  
Phone: (623) 972-6133  
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2007 NOV 15 A 10:21

November 15, 2007

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

Brian K. Bozzo  
Compliance and Enforcement Manager  
Utilities Division  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, AZ 85007

Re: West End Water Co. CC&N Expansion Docket No. W-01157A-05-0706,  
Decision No. 69672

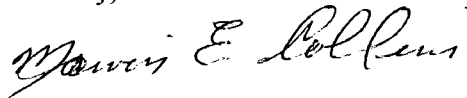
Dear Mr. Bozzo:

On October 19, 2007, West End Water Co. docketed the enclosed documentation under the incorrect docket number. The documentation was docketed under W-01157A-06-250 and should have been docketed under W-01157A-05-0706.

Please accept the enclosed documentation for Docket No. W-01157A-05-0706, Decision No. 69672.

If you have any questions, I can be reached at 623-972-6133 or by cellphone at 623-640-9992.

Cordially,



Marvin E. Collins  
Manager

MEC:kr

Enc.

Original and 15 copies delivered to:

Docket Control  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, AZ 85007

Arizona Corporation Commission

**DOCKETED**

**NOV 16 2007**

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# WEST END WATER CO.

9098 W. Pinnacle Peak Road  
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Phone: (623) 972-6133  
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RECEIVED

2007 OCT 19 A 10:04

AZ CORP COMMISSION  
DOCKET CONTROL

October 18, 2007

Brian K. Bozzo  
Compliance and Enforcement Manager  
Utilities Division  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, Arizona 85007

Re: West End Water Co. CC&N Expansion Docket No. W-01157A-06-0250,  
Decision No. 69672

05-0706

Dear Mr. Bozzo:

The above referenced Decision granted by the Arizona Corporation Commission on June 28, 2007, requires West End Water Co. to file with Docket Control several compliance items. One of the compliance items listed in Finding of Fact No. 25, Item No. 4 states, "that the Company file, by December 31, 2007, with the Commission's Docket Control, as a compliance item in this docket, a copy of the developer's Certificate of Assured Water Supply, where applicable or when required by statute."

West End Water Co. respectfully requests an extension of the December 31, 2007, compliance date to July 31, 2008. West End Water Co. believes that a compliance date of July 31, 2008, for the filing with Docket Control the Certificate of Assured Water Supply is appropriate due to the circumstances described below.

The Staff Report establishing the recommended compliance date of December 31, 2007, was submitted on April 21, 2006. At that time, it was anticipated that an Order in this case would be issued during the summer of 2006. Had an order been issued as expected, the Staff recommendation would have provided a window of 15 to 18 months for the developer to obtain the required Certificate of Assured Water Supply. Instead of following the anticipated timeline, issues raised by interveners to this case resulted in suspension of the time clock, holding of a supplemental hearing, and extensive briefing by the parties. Additionally, the case was continued from the April 11, 2007, Open Meeting to the June 27, 2007, Open Meeting where a decision was issued adopting the original Staff recommendations for compliance dates. Instead of the originally anticipated 15 to 18 months to obtain a Certificate of Assured Water Supply, a short 6-month period was ultimately allowed.

Since issuance of the Decision, the developer's engineering firm has worked diligently to prepare and submit an Arizona Department of Water Resources (ADWR) Certificate of Assured Water Supply Application for the Walden Ranch Development, including the

Brian K. Bozzo, Compliance and Enforcement Manager  
Utilities Division  
Arizona Corporation Commission  
October 18, 2007  
Page 2

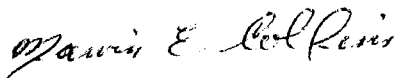
CC&N expansion area (see attached letter from Coe & Van Loo Consultants, Inc., and related ADWR filing documents and receipts). The Certificate of Assured Water Supply Application was submitted on September 21, 2007. As discussed in the attached October 2, 2007, letter from ADWR, the timetable for the ADWR review and approval the application is 210 days with the possibility of additional time should deficiencies be noted in the Application. Based on our discussions with ADWR, we are expecting the Certificate of Assured Water Supply to be issued by July 31, 2008.

Since issuance of the Decision, the developer has proceeded diligently with the development of Walden Ranch, including the CC&N extension area. Applications for Maricopa County Environmental Services Department Approvals to Construct (ATC) for the new well have been made and application for the storage tank ATC is expected by October month end.

West End Water Co. understands that Maricopa County Environmental Services is currently taking approximately seven weeks to review construction plans and issue an ATC. Based on this understanding, West End Water Co. reasonably expects to be able to file the required ATCs by the December 31, 2007 deadline, but cannot be absolutely certain that the ATCs will be issued by year-end.

Therefore, West End Water Co. believes that extending the deadline for these items to July 31, 2008, consistent with the deadline for the Certificate of Assured Water Supply is prudent in this circumstance and requests that Staff extend the deadline for submission of the ATCs required in this case to July 31, 2008.

Cordially,



Marvin E. Collins  
Manager

MEC:kr

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Phoenix, Arizona 85007